

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE FACEBOOK, INC., IPO SECURITIES  
AND DERIVATIVE LITIGATION

MDL No. 12-2389

ECF Case

ROBERT LOWINGER,

*Plaintiff,*

v.

MORGAN STANLEY & CO. LLC, J.P.  
MORGAN SECURITIES LLC, GOLDMAN,  
SACHS & CO., and FACEBOOK, INC.,

*Defendants.*

This document relates to:  
13 Civ. 4016

**NOTICE OF MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of James P. Rouhandeh and the exhibits thereto, and all the pleadings and proceedings herein, defendants Morgan Stanley & Co. LLC, J.P. Morgan Securities LLC and Goldman, Sachs & Co. hereby move this Court, before the Honorable Robert W. Sweet, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, at a time convenient for the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint in the above-captioned action for failure to state a claim upon which relief can be granted.

Dated: New York, New York  
October 16, 2013

DAVIS POLK & WARDWELL LLP

By: /s/ James P. Rouhandeh

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& Co. LLC, J.P. Morgan Securities LLC,  
and Goldman, Sachs & Co.*